

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DEMETRIAS VINSON,	)	CASE NO.: 1:22-CV-657
	)	
Petitioner,	)	JUDGE BRIDGET MEEHAN BRENNAN
	)	
v.	)	
	)	
WARDEN RONALD ERDOS,	)	<b><u>MEMORANDUM ORDER</u></b>
	)	
Respondent.	)	

Before the Court is a Report and Recommendation (“R&R”) from Magistrate Judge Jennifer Dowdell Armstrong. (Doc. No. 10). The R&R recommends that all three grounds asserted in Demetrias Vinson’s (“Vinson” or “Petitioner”) petition for habeas relief be denied and that the Court should not issue a certificate of appealability. (Doc. No. 10.) For the reasons stated below, the R&R is ACCEPTED and ADOPTED. The Petition is DENIED.

On April 22, 2022, Mr. Vinson, through counsel, petitioned the court for habeas relief pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) On May 5, 2023, the Warden’s answer/return of writ was timely submitted (Doc. No. 6), and Petitioner’s traverse timely followed (Doc. No. 9). On June 7, 2024, the R&R was filed. (Doc. No. 10.) The R&R plainly set forth the timeline for stating any objections and the legal consequences for any failure to timely or appropriately object. (*Id.* at 851-52.)<sup>1</sup>

The R&R was electronically served on all counsel on June 7, 2024. (Doc. No. 10.) Nearly two months have passed, and no objections have been stated.

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<sup>1</sup> For ease and consistency, record citations are to the electronically stamped CM/ECF document and PageID# rather than any internal pagination.

Once a magistrate judge issues a report and recommendation, the Judicial Code provides as follows:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.


28 U.S.C. § 636(b)(1)(C) (flush language). The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

By failing to object to the R&R's recommendations, Petitioner waived *de novo* review. *See id.* Notwithstanding, the Court has reviewed the R&R and agrees with its recommendations that the petition be denied and no certificate of appealability issued.

Accordingly, the R&R is ACCEPTED and ADOPTED. The petition for habeas relief pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is DENIED. The Court further finds that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

**Date:** August 6, 2024

  
BRIDGET MEEHAN BRENNAN  
UNITED STATES DISTRICT JUDGE